

Message Text

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C O R R E C T E D C O P Y (DOWN GRADING INSTRUCTIONS)

FOR D/LOS-JOHN MOORE

FOR OES/OFA-TOM CLINYAN

FROM B. BRITTIN

E.O. 11652 ADS DECLAS JUNE 6, 1977

TAGS: FAQ, LOS

SUBJECT HIGHLY MIGRATORY TEXT - LOS

SUMMARY - TEXT GIVES SPECIFICS OF CUNNINGHAM (NEW ZEALAND) BRITTIN DISCUSSION ON HIGHLY MIGRATORY TEXT AND POINTS TO SOME AUSTRALIAN AND NEW ZEALAND VIEWS AND POSSIBLE STEPS TO BE TAKEN. END SUMMARY.

1. IN LONG PRIVATE DISCUSSION BETWEEN BRIAN CUNNINGHAM (DIRECTOR OF FISHERIES, NEW ZEALAND), AND BRITTIN SEVERAL POINTS WERE MADE RELATIVE TO HIGHLY MIGRATORY PROBLEM INITIATED BY THE ABSENCE OF HIGHLY MIGRATORY LANGUAGE IN THE EVENSEN TEXT. ACCORDING TO CUNNINGHAM, OCEANIC GROUP CONSIDERED IT ESSENTIAL FOR SOME LANGUAGE, HOWEVER SIMPLE, TO APPEAR IN SINGLE NEGOTIATING TEXT. AN ALTERNATIVE TO U.S. PROPOSAL WAS THUS SUBMITTED WHICH DOESN'T NECESSARILY REPRESENT NEW ZEALAND OR AUSTRALIAN FINAL POSITION. WHILE
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SOME POINTS PROBABLY ALREADY KNOWN WITHIN DEPARTMENT, THIS

REPORT SUMMARIZES SIGNIFICANT FACTORS AS SEEN FROM VANTAGE
POINT OF NEW ZEALAND DELEGATE:

- A) BOTH NEW ZEALAND AND AUSTRALIA DID NOT CONSIDER
THE U.S. LANGUAGE APPROPRIATE AS THE BASIS OF NE-
GOTIATIONS IN THE SINGLE NEGOTIATING TEXT SHOULD IT
HAVE BEEN ACCEPTED BY THE CHAIRMAN, SECOND COMMITTEE.
- B) NEW ZEALAND DELEGATE OF OPINION THAT SUBSTANTIVE
DIFFERENCES BETWEEN THEIR AND OUR VIEWS COULD BE WORKED
OUT. (THERE WAS AND IS FLEXIBILITY IN NEW ZEALAND PO-
SITION; AUSTRALIAN POSITION IN GENEVA WAS FROZEN).
- C) OPINION EXPRESSED THAT THERE WERE SOME UNFORTUNATE
TACTICAL ERRORS LEADING TO PRESENT LACK OF NEGOTIATED
MIGRATORY LANGUAGE IN EVENSEN TEXT.
- D) COLLECTIVE OPINION OF NEW ZEALAND AND AUSTRALIAN
DELEGATE WAS THAT U.S. TEXTS, AS PROPOSED LATE IN
SESSION WERE FUZZED, LEGALISTIC AND THAT DIFFERENT
INTERPRETATIONS WERE BEING GIVEN DIFFERENT DELEGATIONS.
THIS PRODUCED BAD TASTE, CONFUSION AND OPPOSITION TO
U.S. PROPOSALS.
- E) AUSTRALIAN AND NEW ZEALAND FISHERY EXPERTS ARE
INTENDING MEETING IN SEPTEMBER TO IRON OUT CERTAIN
DIFFERENCES IN FISHERY POSITIONS INCLUDING HIGHLY
MIGRATORY. NEW ZEALAND EXPECTS AUSTRALIA TO HAVE
MORE FLEXIBLE HIGHLY MIGRATORY POSITION AT THAT TIME.
- F) PRIOR TO END OF CALENDAR YEAR, OR BEFORE NEW YORK
SESSION, THEY WILL MEET WITH OCEANIC GROUP IN ATTEMPT
TO EVOLVE UNIFORM FISHERY POSITION.
- G) WHEN QUERIED WHAT NEW ZEALAND WOULD DO IN LIKELY
EVENT THAT WYLE REPRESENTING TT OBJECTED TO HIGHLY
MIGRATORY LANGUAGE OPINION WAS THAT NEW ZEALAND AND
AUSTRALIA WOULD CONTINUE TO PRESS FOR LANGUAGE CHANGES
PRIOR TO AND AT LOS SESSION.
- H) WHEN QUERIED IF HE SAW ANY ADVANTAGE IN U.S. FISHER
EXPERTS PARTICIPATING INFORMALLY IN PROPOSED NEW ZEALAND -
AUSTRALIAN MEETING ON HIGHLY MIGRATORY PER PARA (E)
ABOVE, THE RESPONSE WAS MOST AFFIRMATIVE. CUNNINGHAM
SAID HE COULD NOT SPEAK AT THIS JUNCTURE FOR AUSTRALIANS
BUT BECAUSE OF CLOSE TIES AND MUTUAL CONCERNS OVER HIGHLY
MIGRATORY, HE FELT CONFIDENT THAT AUSTRALIAN RESPONSE
WOULD BE AS FAVORABLE AS HIS OWN. HE NOTED THAT WITH
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COMMON U.S., AUSTRALIAN, NEW ZEALAND APPROACH ON
HIGHLY MIGRATORY IT WOULD BE MUCH MORE DIFFICULT
FOR ARIAS SEHRIBER TO KEEP A REASONABLE TEXT OUT.
I) IN ADDITION TO ABOVE COMMENTS HE FELT THAT SUCH
AN INITIATIVE BY U.S. WOULD HELP TO LAY AT REAST SOME
OF THE MISUNDERSTANDINGS AT GENEVA.

2. BASED ON ABOVE, RECOMMEND THAT DEPARTMENT PROPOSE TO

NEW ZEALAND AND AUSTRALIA THAT SMALL TEAM U.S. LOS FISHERY
EXPERTS VISIT THERE SOMETIME IN SEPTEMBER TO CONSULT
ON HIGHLY MIGRATORY MATTERS. NATURE AND ATMOSPHERE OF
ABOVE REPORTED DISCUSSION PLUS STATURE OF CUNNINGHAM IN
NEW ZEALAND-AUSTRALIAN FISHERIES AFFAIRS LEAD TO CONCLUSION
THAT BOTH COUNTRIES WOULD WELCOME U.S. PARTICIPATION IN
THEIR PROPOSED BILATERAL MEETING. WHILE THERE MIGHT
BE OTHER INITIATIVES RE HIGHLY MIGRATORY IT DOES APPEAR
THAT PROSECUTION OF ABOVE WOULD BE HIGHLY ADVANTAGEIOUS.VOLPE

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